

<p style="text-align: center;"><u>COMMITTEE</u></p> <p style="text-align: center;">CABINET RESOURCES</p>
<p style="text-align: center;">DATE AND TIME</p> <p style="text-align: center;">THURSDAY, 28 APRIL 2005</p> <p style="text-align: center;">AT 7.00 PM</p>
<p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">THE TOWN HALL, THE BURROUGHS,</p> <p style="text-align: center;">HENDON, NW4 4BG</p>

TO: MEMBERS OF THE CABINET RESOURCES COMMITTEE (Quorum 3)

Chairman: Councillor Anthony Finn

Councillors:

Melvin Cohen

Mike Freer

Matthew Offord

Victor Lyon

John Marr
Head of Committee

Democratic Services contact:
Chidi Agada, tel. 020 8359 2037

FACILITIES FOR PEOPLE WITH DISABILITIES

The Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Chidi Agada on 020 8359 2037. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All our Committee Rooms also have induction loops.

Town Hall
Hendon, NW4 4BG

ORDER OF BUSINESS

Item No.	Title of Report	Page Nos.
1.	MINUTES	–
2.	ABSENCE OF MEMBERS	–
3.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	–
	Report of the Cabinet Member for Resources	
4.	Additional Highways and Parking Fees and Charges	1 – 4
	Report of the Cabinet Member for Education and Lifelong Learning	
5.	Redevelopment of The Hyde Primary School and construction of a new Children's Centre	5 – 9
	Report of the Cabinet Members for	
	• Resources	
	• Performance, Partnerships & Best Value	
6.	Land adjoining St James School, Great Strand, Grahame Park NW9	10 – 13
	Report of the Cabinet Member for Housing Neighbourhoods and Community Safety	
7.	Right to Buy	14 – 16
8.	ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	
9.	MOTION TO EXCLUDE THE PRESS AND PUBLIC:- That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 12A of the Act:	
	Report of the Cabinet Member for Education and Lifelong Learning	
10.	Exempt information relating to item 5 in public session – Redevelopment of The Hyde Primary School and construction of a new Children's Centre	17 – 19
	Reports of the Cabinet Members for	
	○ Resources	
	○ Performance Partnerships & Best Value	
11.	Exempt information relating to item 6 in public session – Land adjoining St James School, Great Strand, Grahame Park NW9	20 – 21

Item No.	Title of Report	Page Nos.
12.	Report of the Cabinet Member for Housing Neighbourhoods and Community Safety	22 - 23
13.	ANY OTHER EXEMPT ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT	

Fire / Emergency Evacuation Procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed porters. It is vital that you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings.

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

AGENDA ITEM: 4

Page nos. 1 - 4

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Additional Highways and Parking Fees and Charges
Report of	Cabinet Member for Resources
Summary	The report seeks approval for additions to the schedule of the 2005/6 Highways fees and charges and an addition to the schedule for Parking fees and charges.

Officer Contributors	Head of Highways and Design
Status (public or exempt)	Public
Wards affected	N/A
Enclosures	Appendix A
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: Lynn Bishop

1. RECOMMENDATIONS

1.1 That the fees and charges detailed in the attached Appendix A be approved.

2. RELEVANT PREVIOUS DECISIONS

2.1 Cabinet Resources Committee 25 November 2004 Decision 6 and Overview and Scrutiny Committee 17 January 2005 where the 2005/06 fees and charges for Highways & Design, Planning and Environmental Services were approved.

2.2 Cabinet Resources Committee 23 September 2004 Decision no 6

1. that increases in fees and charges in line with the Financial Forward Plan be approved by Heads of Service in consultation with the Cabinet Member for Resources, and that these increases be implemented from 1 January each year, with only limited exceptions to those being increased from 1 April.
2. that increases in fees and charges above the rate assumed in the Financial Forward Plan be approved by Cabinet Resources Committee, and that these increases be implemented from 1 January each year, with only limited exceptions to those being increased from 1 April.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

3.1 None.

4. RISK MANAGEMENT ISSUES

4.1 Failure to increase fees and charges adequately will create pressures on other Council budgets.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

5.1 The Watling Car Park charges were taken into account in the 2005/06 budget. Any net impact from the proposed highways and reproduction charges will be taken into account in revenue monitoring.

6. LEGAL ISSUES

6.1 None in the context of this report.

7. CONSTITUTIONAL POWERS

7.1 The Council's Constitution Part 3 paragraph 3.6 authorises Cabinet Resources Committee to approve income sources and charging policies.

8. BACKGROUND INFORMATION

8.1 The 2005/06 Highways fees and charges were previously approved by the Cabinet Resources Committee on 25 November 2004 and the Overview and Scrutiny Committee on 17 January 2005. This report details additional fees and charges only (Appendix A).

- 8.2 A charge is proposed for making amendments to traffic management orders which allow controlled parking zones to be updated when vehicle cross-overs are subsequently implemented.
- 8.3 When construction of a crossover requires a parking place to be removed or amended in length it is necessary to change the traffic orders defining the limits of the parking place.
- 8.4 The proposed charges seek to including a charge for staff time to carry out the traffic order amendment and for the costs of advertising the amendment in the local press. The advert allows a period of three weeks for any objections to be made. If objections are received then these will have to be sent to the Cabinet Member and Chairman of the relevant Area Environment Sub-Committee for their consideration. In these cases an additional charge is incurred to take into account extra staff costs.
- 8.5 It is expected that these changes will affect 30 to 40 residents per annum, based on current provision levels, and anticipating future needs.
- 8.6 Fees to cover photocopying charges and postal charges are proposed to bring Highways and Design in line with other Corporate Charges. Until now no charge has been published.
- 8.7 Additional provision for Business Permits for Watling Car Park, which were inadvertently omitted from the original report.

9 LIST OF BACKGROUND PAPERS

- 9.1 None.

MOI: JEL
BT: PA

Highways & Design Services
Highways Services -

Fees and Charges 2005-2006

Appendix A

	CHARGE PAYABLE BY	TYPE OF CHARGE	CURRENT CHARGE 2004/2005	VAT	Unit	PROPOSED CHARGE 2005/2006	COMMENT		
WATLING CAR PARK									
Business Permits									
	Vehicle Driver	Fee	per annum	£150.00	N	per permit	per annum	£300.00	

HIGHWAYS (PROPOSED)							
Crossovers which require the removal or alteration of parking bays within a CPZ. Charge covers the public consultation, advertising and ONE traffic order alteration.	Individual Applicant	Fee	N/A	Y	Each	£993.00	See Note 9
Ditto but requiring alteration to TWO traffic orders.	Individual Applicant	Fee	N/A	Y	Each	£1,458.00	See Note 9

REPRODUCTION							
Photocopying							
A3		Charge	N/A	N	per page	0.30p	
A4		Charge	N/A	N	per page	0.20p	
Reproduction of maps / drawings							
A0-A2		Charge	N/A	N	per page	N/A	
A3	Individual Applicant	Charge	N/A	N	per page	£6.25	
A4		Charge	N/A	N	per page	£6.25	
Dyeline paper copies							
AO		Charge	N/A	N	per copy	£7.40	
A1		Charge	N/A	N	per copy	£6.40	
A2		Charge	N/A	N	per copy	£6.40	
A3		Charge	N/A	N	per copy	£6.40	
A4		Charge	N/A	N	per copy	£6.40	

Note 9 : Where objections are received to traffic orders the cost is increased by an additional £108 to take into account staff time in dealing with the objections

Note 10 : Charges are for double sided printing where necessary. All publications and maps subject to extra postage and packing, at £1.85, except where supplied to personal callers.

See Note 10
Faxed Information - £2.10 per A4 page in addition to relevant charge

AGENDA ITEM: 5 Page nos. 5 - 9

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Redevelopment of The Hyde Primary School and construction of a new Children's Centre
Report of	Cabinet Member for Education and Lifelong Learning
Summary	The report seeks approval for the redevelopment of the existing school premises and the construction of a new integrated Children's Centre on the existing school site.

Officer Contributors	Head of Asset Management – Education Service
Status (public or exempt)	Public
Wards affected	West Hendon
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: Head of Asset Management, Education Service

1. RECOMMENDATIONS

- 1.1 That the proposals to replace the existing Hyde School premises with new purpose - designed accommodation to current DfES standards be approved.
- 1.2 That, subject to 1.1, and the availability of funding from the West Hendon Regeneration, the construction of a new purpose-designed Children's Centre, to contemporary DfES standards, be approved.
- 1.3 That the Chief Education Officer be instructed to start the procurement process for the project.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Providing a first class education service is a Council priority. This is implemented through the education service Performance Management Plan which includes the objective of improving the learning environment for all children. This project is intended to replace existing accommodation at the school, which is deemed less than suitable for teaching the primary curriculum. The project will help the school to improve the quality of education offered to pupils and to raise standards of achievement.

4. RISK MANAGEMENT ISSUES

- 4.1 It is proposed that the Children's Centre at The Hyde School would replace the existing Lakeview Centre, located on the West Hendon Estate. The Lakeview Centre needs to be relocated at the start of the West Hendon Regeneration project. Preliminary negotiations with Metropolitan West Hendon, the preferred partner for the regeneration project, have indicated that they would be prepared to fund the proposed new Children's Centre, rather than reprovide the Centre within the regeneration area, as originally intended. This would, however, require the completion of construction of the Hyde Children's Centre in advance of Phase 1 of the regeneration project. This may require the staging of the Hyde Redevelopment, with construction of the Children's Centre, under a separate contract, as stage 1 of the project, and the rebuild of the school forming stage 2.
- 4.2 Council officers are currently in negotiation to enter into a separate agreement with Metropolitan West Hendon in relation to the funding of the Lakeview Centre replacement at the Hyde School to achieve completion in advance of phase 1 of the proposed regeneration. This includes a fall-back position which guarantees funding for the Children's Centre as part of a Section 106 agreement where the Lakeview site is transferred to MWH and the Council receives an agreed sum for the site, should the regeneration project not proceed. This will be subject to Member agreement.
- 4.3 The estimated re-build cost of the Hyde School contained in this report is, at this stage, a notional preliminary estimate, based upon gross floor area and current DfES guidance. An allowance has been made for phased construction and for cost inflation based upon current forecasts. There is, as always, a risk that as the scheme is developed into an actual project and procured, increases in cost could occur. This situation will be monitored closely throughout the project's development and, if necessary, the specification will be reviewed in the light of the allowances made for project contingencies, as set out in the exempt section of this report.

There will also be an opportunity to review the budgetary position and report back to Members on receipt of each of the Stage 1 and Stage 2 tenders.

- 4.4 The following specific risks have been identified for this project:
- Site constraints – assessed as medium risk
 - Ground contamination – assessed as low risk
 - Underground obstructions – assessed as low / medium risk
 - Need for piling – assessed as low / medium risk
 - Additional building cost inflation over current estimate – assessed as medium risk
- 4.5 The potential cost implications of these risks are included in the financial information set out in the exempt section of this report. However, barring risks of this kind, the project is to be completed to the price with no enhancement of specification during the design process, which could lead to additional costs.
- 4.6 There is also a potential low risk that delay in timing of the works could result in loss of grant. In such a case possible substitute funding has been identified in the exempt section of this report.
- 4.7 All above recommendations are subject to statutory consultations and approvals. Should there be any opposition to these proposals resulting from that process, this will be reported back to Committee before proceeding further with this project.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 It is intended that the cost of this redevelopment can be met in full from a combination of DfES allocations and developer contributions from the West Hendon Regeneration. As set out at section 8 below, this proposed project has been the subject of a successful bid under the 2005-6 DfES Targeted Capital Fund, which provides 80% of the total cost of the bid. The bid was originally made on the basis of estimates prepared in late 2003 which require to be updated to contemporary cost levels. DfES funding is, however, limited to 80% of the original project cost estimate with the LEA's 20% contribution proposed to be met from Education Service receipts from Section 106 Agreement monies. Full details of the updated project costs and proposed funding sources are set out in item 2.2 of the exempt section of this report.

6. LEGAL ISSUES

- 6.1 The Council owns the land freehold and there is nothing in the title to prevent the proposed development.

7. CONSTITUTIONAL ISSUES

- 7.1 Constitution, Part 3, Responsibility for functions, Section 3, powers of the Executive, paragraph 3.6 – terms of reference of the Cabinet Resources Committee

8. BACKGROUND INFORMATION

- 8.1 In late 2003 the LEA had the opportunity to apply for DfES funding through the Targeted Capital Fund. This is an annual national bidding round for standards focused projects, which contribute to achieving government targets for educational improvement, but which might not normally be funded from other DfES formulaic allocations. In the past Barnet has been successful in bidding for funding from this source for other capital projects.

- 8.2 At the time the bidding round was advised by the DfES, the LEA was in the process of identifying those primary schools likely to require replacement within the next ten years to inform the preparation of its proposed Primary School Capital Investment Programme. Based upon Asset Management Plan Condition and Suitability Assessments, both Parkfield Primary School and The Hyde Primary schools were identified as high priority within this group of schools.
- 8.3 Accordingly in October 2003, in line with the DfES programme, the LEA submitted bids for the re-building of both of these schools which were unsuccessful. In November 2004, however, the Council was advised by the DfES that the LEA's bid for the re-building of The Hyde School had been reconsidered for inclusion in its 2005-6 round and had been judged successful.
- 8.4 In the interim the Council had committed to the rebuilding of Parkfield School and the construction of a Children's Centre funded through the West Hendon/Underhill Sure Start programme. At the same time the Council was in negotiation with Metropolitan West Hendon re the proposed West Hendon Regeneration, which requires the relocation of the existing Lakeview Centre. In light of all the above, there are seen to be clear advantages in taking an integrated approach to these issues, which would encourage greater community involvement in the use of the school, and creation of a centre of excellence in early years provision.
- 8.5 In light of the time constraints likely to be imposed upon completion of the Children's Centre to tie into the West Hendon regeneration it is anticipated that the project may require to be delivered in two stages, each of which would comprise a separate contract, procured competitively. The first stage would consist primarily of the construction of the new Children's Centre, with some temporary enabling works to allow it to be used safely in the period between its completion and completion of the second stage of the project. It is anticipated that the value of this contract would be well below the trigger for the OJEU procurement process. A breakdown of the estimated cost for this stage has been prepared by Highways and Design Service Quantity Surveyors. This is set out in item 2.1 of the exempt section of this report. As per item 8.10 below, it is anticipated that Stage 1 will be completed in February 2007.
- 8.7 The second stage of the project would be the redevelopment of the Hyde School. It is anticipated that this contract would be procured via the OJEU process. The design of the new primary school would follow the 2 Forms of Entry, Community School, model set out in the recent DfES Building Bulletin 99 "Design of Primary Schools". A preliminary indication of cost for this stage has been prepared by the Council's Highways and Design Service Quantity Surveyors and a breakdown is set out at item 2.1 of the exempt section of this report. As per item 8.10 below it is anticipated that the full project will be complete in August 2008.
- 8.8 This project does not include the replacement of the existing school Caretaker's House which is empty and in poor condition and which is likely to be demolished to provide significantly enhanced access to the school. It is not intended to replace this house.
- 8.9 The anticipated timescale for the works comprising this project are as follows:

	<u>Stage 1 (Children's Centre)</u>	<u>Stage 2 (Primary School)</u>
Member Approval	April 05	April 05
Briefing / Option Appraisal	May-June 05	May-June 05
Scheme Development	July-Sept 05	July-Sept 05
Planning Submission	Oct 05	Oct 05

Approval	Dec 05	Dec 05
Tender Out	Jan 06	Nov 06
Tender Return	Mar 06	Jan 07
Award of contract	May 06	Mar 07
Construction Start	Jun 06	Apr 07
Construction Complete	Feb 07	Aug 08

8.10 The anticipated project cost profile, based upon the above programme, is at item 2.3 of the exempt section of this report.

9. LIST OF BACKGROUND PAPERS

9.1 None.

BT: AD

MO: JEL

AGENDA ITEM: 6

Page nos. 10 - 13

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Land adjoining St James School, Great Strand, Grahame Park NW9
Report of	Cabinet Member for Resources Cabinet Member for Performance, Partnerships & Best Value
Summary	To report a variation of the offer from Martin Grant Homes for the acquisition of the land.

Officer Contributors	Dave Stephens, Chief Valuer and Development Manager
Status (public or exempt)	Public (with a separate exempt section)
Wards affected	Colindale
Enclosures	None
For decision by	Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/A

Contact for further information: Dave Stephens, Property Services and Valuation – 020 8359 7366.

1 RECOMMENDATIONS

- 1.1 That the revised offer from Martin Grant Homes Limited for the purchase of the land at Great Strand, Grahame Park, NW9 be accepted.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet Resources Committee – 4.11.03 – considered a report on the disposal of land at Great Strand, off Grahame Park Way, jointly with St James School and approved the freehold sale in principle with the results of the tendering process being reported to a future meeting of the committee.
- 2.2 Cabinet Resources Committee – 19.02.04-16 – considered a report on the need to conclude an agreement with the school for the sale of the land and thereby facilitating the completion of a Transfer of Control Agreement for the adjacent all-weather pitch site, and agreed the freehold sale of the Council's land subject to the Council's share of the net proceeds of sale being in the region of 30%.
- 2.3 Delegated Powers report 4.3.04 – that the Council's share of the net proceeds of sale will be up to 30% with the final percentage share being subject to referral to arbitration in the event of disagreement between the parties.
- 2.4 Cabinet Resources Committee – 8.7.04 – considered the results of the tendering process and approved the acceptance of the offer from Martin Grant Homes.

3 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan commits the council to “plan and manage land use and development in Barnet to enhance quality of life and provide tangible benefits for the community”. The proposals in this report do this by creating an opportunity for a potential capital receipt from the sale of land and which can be used to assist in funding the Council's approved capital programme.

4 RISK MANAGEMENT ISSUES

- 4.1 The revised offer from Martin Grant Homes Limited is subject to the outcome of a soil survey. The survey has been carried out and the chemical analysis of the samples is awaited.
- 4.2 Additionally, it is subject to Martin Grant Homes Limited finalising agreement with Genesis/Paddington Churches Housing Association in regard to the price to be paid for the affordable housing units. An application has been made to the Housing Corporation for grant funding.

- 4.3 The offer is also subject to the grant of planning permission. However, there have been informal discussions with planning colleagues and it is anticipated that the proposed development will be recommended for planning approval.
- 4.4 The school has yet to be granted approval by the Department for Education and Skills.

5 FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The probable achievement of a capital receipt in the region of the sum referred to in the exempt report less marketing and other costs.
- 5.2 There are no staffing or ICT issues. The property issues are those set out in Section 7 below.

6. LEGAL ISSUES

- 6.1 None.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution – Council Procedure Rules – Financial Standing Orders & Rules for Disposal of Land and Real Property.
- 7.2 Constitution – Part 3 Responsibility for Functions – Section 3.6 Functions delegated to the Cabinet Resources committee – All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

8. BACKGROUND INFORMATION

- 8.1 The offer made by Martin Grant Homes for the acquisition of the land at Great Strand is set out in the exempt report. The proposed scheme included 10 units of key worker housing which it was intended would be acquired by Sutherland Housing Association using Housing Corporation Grant.
- 8.2 Post the acceptance of the Martin Grant Homes offer it transpired that Sutherland could not achieve the necessary funding to proceed with the key worker housing. Officers from the Council's Housing Initiatives Section became involved and produced a solution with Genesis/Paddington Churches Housing Association. This has been on the basis that instead of key worker housing, the 10 affordable units be for rent. Genesis/Paddington Churches has made an application to the Housing Corporation for funding.
- 8.3 This solution to the affordable housing issues coupled with the downturn in the market in the intervening period, has resulted in a reduced offer from Martin Grant Homes Limited. This is set out in the exempt report.

- 8.4 Set out in the exempt report is the next highest tender offer. This is still less than the current offer from Martin Grant Homes Limited. The agent acting for the School will be recommending to his clients that the revised conditional offer from Martin Grant Homes be accepted. As it satisfies the requirements of Section 123 of the Local Government Act 1972 in that it still represents best consideration, this Committee is recommended to accept the offer and proceed with the sale to Martin Grant Homes Limited (or to a company which is a Group company).
- 8.5 The Council's share of the proceeds of sale has yet to be finally agreed but it will be assessed in accordance with the terms of an agreement concluded between the School and the Council.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

Legal: SS
BT: MB

AGENDA ITEM: 7

Page nos. 14 - 16

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Right to Buy
Report of	Cabinet Member for Housing Neighbourhoods and Community Safety
Summary	The report proposes selling a property under the Right-to-Buy (RTB) at a discount

Officer Contributors	John Gargan, Home Ownership Services Manager Barnet Homes
Status (public or exempt)	Public (with a separate exempt section)
Wards affected	Finchley Ward
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	None

Contact for further information: Nigel Hamilton, Head of Housing, 8359 6063

1. RECOMMENDATIONS

- 1.1 That the Committee agree to an application to the Secretary of State for consent to grant Mr & Mrs K discount of £38,000, and that subject to consent being granted a voluntary sale of the property identified in the exempt report be completed on that basis, subject to the deduction of the cost of the application from the discount.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 This report proposes a method for ensuring that a Council tenant is not disadvantaged as a result of acting as a witness in a serious case of anti-social behaviour. Tackling crime is identified in the Corporate Plan as one of the Council's priorities. An active community is one of the Council's values in the Plan. The proposal in this report is consistent with encouraging individuals to act in support of wider community objectives. The Council is also a partner in the Safer Communities partnership whose crime reduction strategy includes tackling anti-social behaviour as a priority.

4. RISK MANAGEMENT ISSUES

- 4.1 This report relates to an individual case and there are no significant risk management issues associated with it.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The report proposes selling a property under the Right-to-Buy (RTB) at a discount of £38,000, rather than £16,000, resulting in a cost to the Housing Capital Programme of £22,000.

6. LEGAL ISSUES

- 6.1 A voluntary sale on the terms described in this report can be made under S32 of the Housing Act 1985, subject to the consent of the Secretary of State.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution, Part 3 - Responsibility for Functions, Section 3 - Powers of the Executive, paragraph 3.6 – terms of reference of the Cabinet Resources Committee.

8 BACKGROUND INFORMATION

- 8.1 Mr & Mrs K had previously applied for the Right to Buy their former property in N10 but had to be re-housed in N3, in view of their assistance to the Council by way of evidence in relation to an Anti Social Behaviour Order. The Borough Solicitor has confirmed that it would have been extremely unlikely that the Council could have obtained the possession order and ASBO without Mr K giving evidence.

He was a crucial witness. Before moving and applying to exercise the Right to Buy to purchase their new property the maximum discount was reduced from £38,000 to its current level of £16,000.

- 8.2 Under the RTB legislation, within the Housing Act 1985, the Council does not have any discretion to increase an applicant's discount above the statutory entitlement. However, the Council can sell housing properties voluntarily under Section 32 of the Housing Act 1985 subject to the Secretary of State's consent.
- 8.3 There is a general consent but it does not expressly provide for the situation. Indeed voluntary sales under the general consent are subject to discount at the statutory level. The only possibility that remains is therefore a voluntary sale under Section 32, subject to a special consent of the Secretary of State. Section 34 enables a special consent to be subject to conditions, amongst other things, as to the amount of discount and take account of relevant matters.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

BS: RB

BT: CM

AGENDA ITEM: 7a Page nos. 1 - 2

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Expansion of Licensing Panel of Chairmen
Report of	Leader
Summary	The Committee are asked to make available £2,833 from balances to the Members' Allowances budget .

Officer Contributors	Janet Rawlings – Principal Democratic Services Officer
Status (public or exempt)	Public
Wards affected	n/a
Enclosures	None
For decision by	The Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	N/a

Contact for further information: Janet Rawlings Telephone 020 8359 2156

1. RECOMMENDATIONS

- 1.1 That the Members' Allowances budget be increased by the sum of £2,233 to be met from balances, to meet the additional Special Responsibility Allowance arising as a consequence of expanding the Licensing Panel of Chairmen.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Council 12 April, 2005

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The proper operation of the licensing panel procedures is an underpinning factor to implementing the Council's licensing policy.

4. RISK MANAGEMENT ISSUES

- 4.1 Failure to ensure sufficient member availability for the licensing Panels would jeopardise the Council's ability to meet their legal requirements.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The sum of £2,833 can be met from balances.

6. LEGAL ISSUES

- 6.1 None.

7. CONSTITUTIONAL POWERS

- 7.1 Financial Regulations.

8. BACKGROUND INFORMATION

- 8.1 The Council on 12 April agreed that subject to this Committee, at this meeting, agreeing to increase the Members' Allowances budget, the number of members comprising the Licensing Panel of Chairmen be increased to six.

- 8.2 Subject to the above, the Council on 12 April, made an appointment.

- 8.3 In approving the members' Allowances Scheme, on 1 April, the Council agreed to the payment of A Special Responsibility Allowance of £2,833 (Scale 5, 0.33 x basic = £2,833,)in addition to the allowance as a committee member.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

BS: JEL

BT: CM

AGENDA ITEM: 8

Page nos. 1 - 3

Meeting	Cabinet Resources Committee
Date	28 April 2005
Subject	Parks Golf Courses
Report of	Cabinet Member for Resources Cabinet Member Performance, Partnerships and Best Value Cabinet Member for Environment and Transport
Summary	This report seeks a variation of the previous approval and undertakes the marketing of the former golf courses by the in-house team seeking bids for appropriate open space uses.

Officer Contributors	Dave Stephens, Chief Valuer and Development Manager David Dench, Greenspaces Manager
Status (public or exempt)	Public – with a separate exempt report.
Wards affected	Hadley, East Barnet & Friern Barnet
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	The report is urgent because whilst the courses remain unused, they will deteriorate and the cost of bringing them back into use will escalate making them less desirable as potential business opportunities.

Contact for further information: Dave Stephens, Chief Valuer and Development Manager.
Tel : 020 8359 7353

REPORT TO BE CONSIDERED IF THE CHAIRMAN AGREES IT IS URGENT

1. RECOMMENDATIONS

1.1 That in variation of the committee's previous decision:

- i. the appropriate Chief Officer be instructed to carry out the marketing of the three former parks golf courses; and**
- ii. that the marketing be on the basis of inviting bid proposals for golf use or other uses compatible with the status of the land and the immediate vicinity.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Cabinet Resources Committee 22 July 2002 – Considered a report upon the poor condition and lack of investment in the three parks golf courses and the revenue costs of running the facilities, and agreed to enter into a management agreement with Golfwise Limited.
- 2.2 Cabinet Resources Committee 4.11.04 – approved the marketing of the golf courses on the basis of granting leases of the same and that the appropriate Chief Officers be instructed to:
 - i. advertise the proposed leasehold disposals in accordance with the requirements of Section 123 (2A) of the Local Government Act 1972; and
 - ii. seek fee quotes and marketing recommendations from suitable experienced private sector firms with the Cabinet Member for Resources approving the appointment of a firm to act as the Council's agent under delegated powers; with the results of the Section 123 advertising and the marketing being reported to a future meeting of the Committee for further consideration.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Corporate Plan commits the Council to “plan and manage land use and development in Barnet to enhance the quality of life and provide tangible benefits for the community. The proposals in this report may achieve this by attracting potential lessees who will be prepared to invest in the golf courses to improve the quality of the facilities.

4. RISK MANAGEMENT ISSUES

- 4.1 There is no certainty that an in-house attempt to find an operator or operators of the golf courses will be successful but there may be interest for other appropriate uses.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 If the golf courses are let they will generate new revenue income.
- 5.3 There are no staffing or ICT issues.

6. LEGAL ISSUES

- 6.1 As the courses are within areas of public open space any proposed disposals must be advertised in the local press in accordance with S123 (2A) of the Local Government Act 1972. Any representations received must be given due consideration by the Council.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution – Part 3 - Responsibility for Functions – Section 3.6; Functions delegated to the Cabinet Resources committee – All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.

REPORT TO BE CONSIDERED IF THE CHAIRMAN AGREES IT IS URGENT

8. BACKGROUND INFORMATION

- 8.1 Three nationally based agents who specialise in the marketing of golf courses were asked to submit fee quotes to carry out the proposed marketing and comment upon the market for such facilities and the probability of a successful outcome.
- 8.2 One of the agents, Strutt & Parker, declined the opportunity to submit a quote. Humberts Leisure and Savills quotes are set out in the exempt report. Whilst not commenting specifically on the marketability of these courses, it seems clear from the work proposed and the fees payable for abortive work that the agents do not envisage the marketing will be particularly successful.
- 8.3 Considering the likely levels of rents these courses are likely to generate it is considered that the agents fees are excessive. It is proposed instead that the marketing be carried out by the in-house team.
- 8.4 To minimise the risks of not finding lessees for these recreation lands to carry out regular maintenance and to bring them back into beneficial use, it is recommended that whilst the primary objective should be to seek golf course operators, proposals should be invited for other appropriate uses – such uses to be compatible with the status of the land and the use of the adjoining lands. The results can then be reported to a future meeting of the committee for further consideration.

9. LIST OF BACKGROUND PAPERS

- 9.1 None.

MO: DVP

BT: CM